

1 reference. *In re Spada*, 911 F.2d 705, 15 USPQ2d 1655 (Fed. Cir.
2 1990). The corollary of this rule is that the absence from a cited §102
3 reference of *any* claimed element negates the anticipation. *Kloster*
4 *Speedsteel AB, et al. v. Crucible Inc.*, 793 F.2d 1565, 230 USPQ 81 (Fed.
5 Cir. 1986).

6 Independent claim 1 defines a method of increasing the power
7 handling capability of a power line comprising, in part, providing a
8 conductor, supporting the conductor, creating a model of the conductor
9 following the supporting step, identifying a critical span within the
10 modeled conductor, altering the modeled conductor responsive to the
11 identifying step, and analyzing the modeled conductor following the
12 altering step. Independent claim 1 is not shown or suggested in the
13 prior art of record.

14 The Thompson patent relates to *design* of an original power line
15 and *maintenance* of the designed power line. The Thompson teachings
16 of *designing* an original power line are irrelevant to Applicant's claim 1
17 inasmuch as such claim defines a method of *increasing the power handling*
18 *capability of a power line* comprising the above-mentioned steps which are
19 not shown or suggested in the Thompson patent. Further, the
20 *maintenance* operations merely refer to checking the state of the designed
21 power line on site against the original designed specifications of the
22 power line created during the design stage. The Thompson patent is
23 entirely devoid of teaching or suggesting any methodology for increasing
24

1 the power handling capability of a power line comprising the positively-
2 claimed steps of claim 1.

3 In page 3 of the Office Action, teachings from columns 3 and 4
4 of the Thompson patent are cited in support of the 102 rejection. On
5 page 6 of the Office Action, further teachings from column 19 and 20
6 are cited in support of the 102 rejection. Such teachings fail to
7 anticipate or render obvious Applicant's claim 1.

8 Referring to column 3, lines 17-20, the Thompson patent relates
9 to modifying an initially designed power line to achieve a suitable
10 design. The Office Action cites such teachings in support of the
11 anticipation rejection. However, such bald teachings must be read in
12 conjunction with the surrounding teachings of column 3.

13 For example, at column 3, starting at line 35, the power line
14 program of the Thompson patent is a specialized program module that
15 runs with any suitable program *development* environment. Even more
16 telling are the teachings of lines 30-34 of column 3 which state that the
17 method of the Thompson patent includes the step of storing original
18 design data and *comparing original design data with recorded data to*
19 *ascertain repairs or modifications required to restore the power line to its*
20 *design parameters.* The Thompson patent merely relates to designing a
21 power line and checking the power line during maintenance operations
22 to determine or maintain the power line in its original design form.
23 The Office Action states on page 3 that such teachings also relate to
24 analyzation and *verification of design criteria.* The Thompson patent

1 relates to design and maintenance of the design and is entirely devoid
2 of teachings (or any suggestion) regarding increasing the power handling
3 capability of a power line.

4 At column 4, lines 15-20 the Thompson patent merely discloses
5 checking the existing condition of the power line *against its original*
6 *design database information* during a refurbishment survey. The teachings
7 at lines 40-65 of column 4 similarly refer to design operations of a
8 power line only and fail to teach or suggest Applicant's claimed method
9 of increasing the power handling capability of a power line. Again,
10 cited teachings of the Thompson patent fail to disclose the claimed
11 method of Applicant's claim 1.

12 On page 6 of the Office Action, it is stated that Thompson's
13 system is integrated as a total system referring to the teachings at
14 column 19, line 3 of the Thompson patent meaning that each module
15 can be used to process a model generated in another module. Such
16 does not teach or suggest the further statement on page 6 of the Office
17 Action of "once a model of an existing conductor is generated ...
18 Thompson's CAD system can be used to make alterations to the
19 modeled conductor including analysis of the performance of the modeled
20 conductor under different environmental conditions." Rather, the total
21 system teachings on column 19, line 3 refer to a power line fittings
22 scheduler where the details of support structures and conductors are
23 read directly from *design* drawings. Referring to column 18, starting at
24 line 58, it is stated that existing programs have the disadvantage that

1 they are not integrated with the design system. It refers to details
2 regarding support structures and conductors must first be input into the
3 program. The advantages of the disclosed Thompson system are that
4 details of the supports structures and conductors are read directly from
5 design drawings eliminating any possibility of mistakes being made during
6 the input of information. Such relates to design and in no way teaches
7 the Applicant's defined claim 1 of providing a conductor, supporting the
8 conductor, creating a model of the conductor, identifying a critical span,
9 altering the modeled conductor, and analyzing the modeled conductor
10 following the altering.

11 The Thompson patent teaches a database of the original
12 information and then compares existing information against the original
13 database information. The original design is used as a reference point.
14 Such is disclosed at column 21, lines 18-20 stating that new collected
15 data of a power line is cross-referenced with any existing data on the
16 basis of route name and support structure numbers. The Thompson
17 teachings relate to cross-reference of existing information against original
18 design data and in no way teach or suggest the claimed method of
19 increasing the power handling capability of a power line including
20 creating a model of a conductor and altering the modeled conductor
21 responsive to identification of a critical span within the modeled
22 conductor.

23 The Thompson patent teachings regarding a model of a power line
24 are during the design of a power line. Thereafter, existing power line

1 conditions are checked against the originally designed model for
2 verification. Nothing in the Thompson patent teaches or suggests
3 *creating a model of a conductor following supporting of the conductor,*
4 identifying a critical span in such modelled conductor, altering the
5 modelled conductor, and analyzing the modelled conductor. The
6 Thompson patent teaches creating a model to design a power line and
7 checking the designed power line against the model. The Thompson
8 patent fails to teach or suggest supporting a conductor and creating a
9 model following the supporting. Positively cited limitations are not
10 shown or suggested in the prior art. Claim 1 is patentable over the
11 prior art of record.

12 Claims 2-8 depend from independent claim 1 and therefore are in
13 condition for allowance for the reasons discussed above with respect to
14 the independent claim as well as for their own respective features which
15 are neither shown nor suggested by the cited art.

16 Independent claim 9 defines a method of increasing power
17 handling capability of a power line comprising, in part, altering the
18 conductor including at least one of removing a portion of the conductor
19 and adjusting the positioning of one of the clamps relative to the
20 conductor. Claim 9 is allowable.

21 On page 7 of the Office Action it is stated that although claimed
22 steps are not specifically taught by Thompson, the recited method is
23 performed by every technician who strings power lines. Applicant
24 submits that the anticipation rejection of claim 9 is improper referring

1 to page 7 of the Office Action stating that claimed steps are not
2 specifically taught by Thompson. By definition, the anticipation rejection
3 of claim 9 is improper and Applicant respectfully requests allowance of
4 independent claim 9 in the absence of prior art which teaches all of the
5 claimed steps of independent claim 9.

6 Claims 10-13 depend from independent claim 9 and therefore are
7 in condition for allowance for the reasons discussed above with respect
8 to the independent claim as well as for their own respective features
9 which are neither shown nor suggested by the cited art.

10 Independent claim 14 defines a method of increasing the power
11 handling capability of a power line comprising, in part, providing a
12 conductor, creating a model of the conductor, analyzing the modeled
13 conductor at an increased operating condition, identifying a critical span,
14 altering the model conductor responsive to the identifying, and second
15 analyzing the modeled conductor. Independent claim 14 defines
16 patentable subject matter.

17 On page 8 of the Office Action, it is stated that Thompson
18 teaches subjecting conductors to different environmental conditions citing
19 the teachings at col. 17, lines 20-30. Such teachings again refer to the
20 *design* of a power line as stated at lines 18-19 of column 16, and not
21 to a method of increasing the power handling capability of a power line
22 as claimed. The Thompson patent relates only to creating a model
23 during a *design stage* and *thereafter* creating the power line, while
24 Applicant's positively claim providing a conductor and creating a model

1 of the conductor. Positively recited steps of claim 14 are not shown or
2 suggested in the Thompson patent.

3 On page 8 of the Office Action, it is further stated that since
4 Thompson's systems employ a CAD system in *designing* power lines, it
5 then follows the different length materials etc. *can be* used based on the
6 analysis of the operating conditions to adjust for alteration of the
7 design. Such statements and any Thompson patent teachings relate to
8 initial design of a power line. The Thompson patent may only be
9 relied upon for what it teaches or suggests. The fact that it could be
10 used for additional applications is not sufficient and is irrelevant to any
11 anticipation rejection. At a minimum, such evidences the
12 inappropriateness of the anticipation rejection.

13 Further, there is no suggestion to operate the Thompson program
14 to perform as Applicant's claimed method of independent claim 14. In
15 fact, the Office Action states that the Thompson system employs a CAD
16 system in *designing* power lines. Applicant's claimed method is not
17 concerned with designing power lines, but rather increasing power
18 handling capability of a power line. Such is made clear by the claimed
19 steps of providing a conductor, and creating a model of the conductor,
20 and further steps of analyzing and altering which concern the modeled
21 conductor. The Thompson patent teachings of design and maintenance
22 fail to teach or suggest the steps of claim 14. Independent claim 14
23 defines patentable subject matter over the prior art of record.
24



1 Claims 15-20 depend from independent claim 14 and therefore are
2 in condition for allowance for the reasons discussed above with respect
3 to the independent claim as well as for their own respective features
4 which are neither shown nor suggested by the cited art.


5 In accordance with the above, Applicant has recited numerous
6 claimed method steps which are not shown or suggested in the prior art.
7 Accordingly, the anticipation rejection of claims 1-20 is improper. If any
8 claims are not found allowable upon consideration of the above,
9 Applicant respectfully requests issuance of a non-final rejection pursuant
10 to §706.07a of the MPEP.

11 Applicant respectfully requests allowance of all pending claims.

12 The Examiner is requested to phone the undersigned if the
13 Examiner believes such would facilitate prosecution of the present
14 application. The undersigned is available for telephone consultation at
15 any time during normal business hours (Pacific Time Zone).

16 Respectfully submitted,

17
18 Dated: 4/12/00

19 By: 
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